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JC474 U.S. PTO
09/681279
03/13/01

In re Application of
Pueschel
Application No. 09/681,279
Filed: March 13, 2001
For: Method and apparatus to regulate use
of freely exchanged files and streams

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: DECISION GRANTING PETITION
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This is a decision on the paper filed on April 10, 2001, in the above-identified application which is being treated as a petition requesting that the paper copies of the drawings attached thereto be accepted and considered as part of the original disclosure.

The petition is **GRANTED**. The application is entitled to a filing date of March 13, 2001, with the 19 sheets of drawings containing Figures 1-3, 4A, 4B, and 5- 18 supplied on April 10, 2001, considered as part of the original disclosure.

The above-identified application was filed through the Office's Electronic Filing System on March 13, 2001. An acknowledgement receipt was electronically transmitted to applicant acknowledging the successful transmission of the application. Thereafter, Office personnel were unable to display and print the files which contained the drawings.

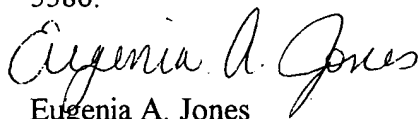
On April 10, 2001, in response to a telephone communication, applicant subsequently filed the instant petition which includes a statement signed by applicant certifying that the "attached paper figures are those that were originally transmitted to the USPTO on March 13, 2001." The petition was accompanied by, *inter alia*, a copy of applicant's acknowledgement receipt and 19 sheets of drawings containing 19 figures (i.e., Figures 1-3, 4A, 4B, and 5-18). The acknowledgement receipt lists a series of files and their sizes. The file listing includes 19 files with a ".tif" extension, e.g., fig1.tif, tst2.tif, fig3.tif, fig4a.tif, etc. The number of files with the "tif" extension correspond to the number of figures of drawings identified in the specification and supplied on April 10, 2001.

In view of the above, the petition is granted. No petition fee is required.

A review of the application reveals that no oath or declaration under 37 CFR 1.63 was filed on March 13, 2001. However, a declaration under 37 CFR 1.63 was filed with the papers on April 10, 2001. The small entity surcharge set forth in 37 CFR 1.16(e) of \$65.00 is required for the late filing of the declaration. The Office of Initial Patent Examination will mail a Notice requiring the surcharge.

The application is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of March 13, 2001, using the application papers filed on March 13, 2001, the copy of the 19 sheets of drawings supplied on April 10, 2001, and the declaration filed on April 10, 2001.

Telephone inquiries specific to this matter should be directed to the undersigned at (703)306-5586.

A handwritten signature in cursive script, reading "Eugenia A. Jones".

Eugenia A. Jones

Legal Advisor

Office of Patent Legal Administration

Office of the Deputy Commissioner

for Patent Examination Policy